

REMARKS:

- 1) In view of an incorrectly cited reference in the Office Action of November 17, 2004, the Examiner issued the Official Communication of November 30, 2004, which identified the correct reference and restarted the three-month reply period, which is appreciated.
- 2) The only amendment is the addition of new claims 29 and 30 respectively depending from claims 28 and 17. The subject matter of claims 29 and 30 is supported by the preamble of original claim 1 and in the original specification at page 1 lines 4 to 7; page 3 lines 13 to 35; etc. The new claims do not introduce new matter, and entry thereof is respectfully requested.
- 3) Enclosed is a literal translation of German Patent Application 101 06 736.4 as filed on February 14, 2001, of which the foreign priority has been claimed under 35 U.S.C. §119 for the present application. An attached Translator's Declaration signed by the translator attests to the accuracy of the translation. Accordingly, the translation is accurate. It is apparent that the present US application contains the same subject matter and is substantively based on the literal translation of the foreign priority application, and thus all of the present claims are supported in the foreign priority application. Applicant has thus perfected and hereby asserts the foreign priority claim for the benefit of the filing date of February 14, 2001.

- 4) The Examiner has asserted rejections applying US Patent 6,747,545 (Nowottnick et al.) as prior art under 35 U.S.C. §102(e), based on its filing date of **March 16, 2001**. Since the present application now has the benefit of the foreign priority date of **February 14, 2001**, which pre-dates the prior art effective date of the Nowottnick et al. patent, the rejections based on Nowottnick et al. cannot be maintained.
- 5) Referring to sections 6 to 10 on pages 3 to 6 of the Office Action, the several prior art rejections applying Nowottnick et al., either alone or in combination with secondary references, against present claims 1, 2, 11 to 14, and 16 to 27 are respectively traversed in view of the foreign priority claim of the present application, which has now been perfected by filing the enclosed accurate literal translation of the foreign priority application. Accordingly, these prior art rejections cannot be maintained because the Nowottnick et al. reference is no longer applicable. Thus, withdrawal of the rejections is respectfully requested.
- 6) Referring to section 5 on page 3 of the Office Action, the rejection of claims 17, 27 and 28 as anticipated by US Patent 5,579,373 (Jang) is respectfully traversed.

7) Present claim 17 is directed to a method of bi-directional data transmission comprising a combination of several steps including the following.

A forward signal is transmitted from the first unit and received by the second unit, which measures the received forward amplitude of the received forward signal. A return signal containing information representing the forward amplitude measured in the second unit is then transmitted from the second unit back to the first unit. The first unit then measures a received return amplitude of the return signal (which contains the information representing the forward amplitude). Finally, the return amplitude is compared with the forward amplitude to determine any difference therebetween.

It is significant that the second unit measures the amplitude of a forward signal received from the first unit and then provides information representing that received forward amplitude in a return signal that is transmitted back to the first unit. Then, the first unit measures the received return amplitude of this return signal. Thus, the first unit obtains the relevant information regarding both the forward amplitude and the return amplitude from the return signal (because the received amplitude of the return signal is measured in the first unit as the return amplitude, and the return signal contains the information representing the forward amplitude that was measured in the second unit).

Such a combination of steps and features is neither disclosed nor would have been suggested by the prior art.

8) Jang discloses a transmission power control method for a cellular radio telephone system, which also involves measuring and evaluating signal amplitudes between two units, i.e. a base station and a mobile station.

The Jang disclosure includes certain statements that (superficially) might appear to be pertinent to the present method. However, an understanding of the full detailed disclosure of the reference makes clear that Jang neither discloses nor would have suggested the method of present claim 17.

In the transmission power control method according to Jang, a mobile station first transmits a call generation message to initiate a cellular telephone call connection (col. 7 lines 56 to 58). The base station measures the received signal strength of this call generation message as received from the mobile station and determines an average received signal strength over a short time period (col. 7 lines 56 to 67). Based on this average received signal strength, the base station then determines, e.g. from a look-up table, a corresponding "location group" to be allocated to the cellular telephone call (see col. 8 lines 1 to 15 and Table 2). As shown in Table 2, each "location group" is associated with a respective signal strength level range between pre-specified minimum and maximum RSSI thresholds.

Next, a power control message is sent from the base station to the mobile station to cause the mobile station to set its transmission power to the appropriate power level associated with the location group that has been allocated (col. 8 lines 16 to

23). Then also, an available idle channel for this location group is assigned to the call, and then the call transmission is carried out via the assigned channel (col 8 lines 23 to 36).

Also, the base station transmits a message to the mobile station requiring the mobile station to measure a received signal strength of the signal received by the mobile station on the currently allocated channel, and then to return a report of this received signal strength information back to the base station. When the report is received, the base station prepares an average value of the signal strength information received from the mobile station, and then compares this average signal strength value to the minimum and maximum signal strength thresholds that were pre-specified for the location group and channel that have been allocated to the call (col. 8 lines 37 to 53; col. 10 lines 29 to 50; col. 11 lines 17 to 43).

9) Summarizing the above details, Jang states "a signal level received from the base station and measured in the mobile station is compared with a level range received and determined in the base station" (col. 9 lines 3 to 6; and col. 6 lines 30 to 33).

Based on the above discussed more-detailed disclosure of Jang (col. 8 lines 23 to 53; col. 10 lines 30 to 50; col. 11 lines 17 to 43), it is clear that the "level range received and determined in the base station" is NOT a measured amplitude of the report signal in which the mobile station reports its received signal strength back to the base station, but rather is merely a pre-determined signal level range defined by pre-determined minimum and maximum signal strength thresholds

that have been pre-specified for the allocated location group (see e.g. Table 2 and col. 8 lines 37 to 53). Those threshold values are pre-established based on an allocation protocol for allocating location groups in the cellular telephone system, and particularly based on a previously or initially measured received signal strength of the base station (see Table 2 in col. 8).

Thus, while the report signal transmitted from the mobile station to the base station according to Jang, including information representing the mobile station's received RSSI, might be compared to the "return signal" in the present inventive method, it is clear that the Jang method does not include steps f) and g) of present claim 17.

Namely, Jang does NOT measure the amplitude of this "return signal" or "report" provided from the mobile station to the base station, and does NOT compare an amplitude of this report as received in the base station with the forward amplitude information contained in the report.

Quite distinctly, Jang compares the forward amplitude information (RSSI) contained in the report to previously established fixed threshold values representing the minimum RSSI and the maximum RSSI for a given location group that has been assigned to the call transmission (col 8 lines 37 to 54 and Table 2).

Furthermore, the assignment or allocation to the given location group was previously performed based on a received signal strength of a call generation message from the mobile station as received in the base station (col 7 lines 56 to 67). From this it is also clear that there is no comparison of a

"return amplitude" with a "forward amplitude" as required and defined in step g) of present claim 17.

- 10) A modification to include the presently claimed steps f) and g) would have rendered the method of Jang non-functional. Namely, the method of Jang requires simply determining whether the received signal level is within the appropriate power range for a given allocated location group, and if not, then reallocating a different location group with a higher or lower power range as appropriate. This necessarily requires comparing the RSSI information to a pre-established maximum threshold and minimum threshold of the particular allocated location group. This purpose would not be served by comparing a return amplitude with a forward amplitude as recited in the present inventive method, because that would not have allowed a determination of whether the received signal strength is in the proper range corresponding to an allocated location group. Instead, such a comparison allows a determination of different signal attenuations in the uplink and downlink transmissions (according to the present invention), which would not achieve the purpose of Jang, namely, determining whether the location group allocation is appropriate.
- 11) Present independent claim 28 is directed to a system for bi-directional data transmission, comprising a first unit and a second unit having various components connected and adapted to carry out features corresponding to the above discussed method steps. Particularly, a second data processor of the second unit is adapted to provide, in a first signal, information

representing a second received amplitude of a second signal received by the second unit from the first unit, and a first data processor of the first unit is adapted to receive this amplitude information in the first signal and to compare the second received amplitude with the first received amplitude. Thus, the first unit is configured and adapted to measure the amplitude of a signal that is received by the first unit and that carries amplitude information regarding the amplitude received at the second unit, and to compare these two amplitude informations to each other.

- 12) In view of the above discussion of Jang, it is apparent that the components of the base station (or the mobile station) of the radio telephone system according to Jang are not configured, arranged and adapted as required by present claim 28. Particularly, the data processor according to Jang is not adapted to compare a second received amplitude with a first received amplitude as presently claimed, but instead compares the received RSSI information to pre-established maximum and minimum RSSI thresholds, as discussed above.
- 13) For the above reasons, present claims 17, 27 and 28 are not anticipated by Jang (and would not have been obvious over Jang), and the Examiner is respectfully requested to withdraw the rejection of claims 17, 27 and 28.
- 14) The additional prior art made of record requires no particular comments because it has not been applied against the claims.

15) Favorable reconsideration and allowance of the application, including all present claims 1, 2 and 11 to 30, are respectfully requested.

Respectfully submitted,

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Applicant

WFF:hc/4286
Encls.: postcard,
Form PTO-2038,
Term Extension,
Translator's Declaration,
Translation of Priority Document

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